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8 Attorneys for Plaintiffs
9 ABBOTT DIABETES CARE INC. AND ABBOTT
10 LABORATORIES,

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 ABBOTT DIABETES CARE INC. and
15 ABBOTT LABORATORIES,,

16 Plaintiffs,

17 vs.

18 AGAMATRIX, INC.,

19 Defendant.

CASE NO. C 06 07268-JF

ORDER GRANTING

**JOINT MOTION TO VACATE HEARING
ON ORDER TO SHOW CAUSE AND SET
CASE MANAGEMENT CONFERENCE**

On October 2, 2008, the Court granted the parties request to stay this matter pending the outcome of appeals in *Abbott Diabetes Care, Inc. et al. v. Roche Diagnostics Corp, et al.*, Case No. 3:05-CV-03117 WHA and *TheraSense, Inc. and Abbott Laboratories v. Becton Dickinson and Co. and related cases*, Case Nos. C04-2123 WHA, C04-3327 WHA, C04-3732 WHA. A petition of rehearing en banc and potential petitions for certiorari remain pending in those appeals.

On March 25, 2010, this Court issued an Order to Show Cause why this case should not be dismissed with a return date of April 23, 2010. The parties jointly request that the Order to Show Cause be taken off calendar and that instead a case management conference be set for Friday, May 21, 2010. The brief delay in the CMC is requested to give the parties a short period to determine whether a settlement of this litigation is possible given the outcome of the appeals to date. The parties are currently discussing a concrete proposal that would resolve this entire case.

DATED: April 13, 2010

MUNGER, TOLLES & OLSON, LLP
ROHIT SINGLA

By: /s/ Rohit Singla
ROHIT SINGLA

Attorneys for Plaintiffs
ABBOTT DIABETES CARE INC.
and ABBOTT LABORATORIES


DATED: April 13, 2010

GOODWIN PROCTOR LLP
J. ANTHONY DOWNS (*pro hac vice*)

By: /s/ J. Anthony Downs
J. ANTHONY DOWNS

Attorneys for Defendant
AGAMATRIX, INC.

IT IS SO ORDERED.
Dated: 4/14/2010


JEREMY FOGEL
United States District Judge